

s. However, will I be permitted to put supplementaries on this?

Mr. SPEAKER.—Now that question is over.

Sri K. HANUMANTHAIYA.—The Hon'ble Member can put a fresh question.

Janab J. MOHAMED IMAM.—At the next session?

Sri K. HANUMANTHAIYA.—Even in this Session; Short Notice question.

Mr. SPEAKER.—However, it is over. We will see tomorrow.

Election to the Senate.

Mr. SPEAKER.—As Hon'ble Members have already been informed, election to the Senate will take place today between the hours 3 P.M. and 5 P.M. in the Secretary's Room.

BUDGET FOR 1952-53.—DEMANDS FOR GRANTS.

Second Stage—(contd.)

Demand No. 14—ADMINISTRATION OF JUSTICE.

27. Administration of Justice.

Mr. SPEAKER.—Motion moved:

"That a sum not exceeding Rs. 15,92,000 be granted to the Government to complete the sum necessary to defray the charges which will come in course of payment during the year ending 31st day of March 1953, in respect of 'Administration of Justice'."

Separation of the Executive from the Judiciary.

Sri M. LINGANNA (Nanjangud).—Sir, I move:

"That the demand under the head '27 Administration of Justice' for Rs. 15,92,000 be reduced by Rs. 100 (to urge the Government to take immediate steps to separate the Executive from the Judiciary)"

Sir, while commending this cut motion for the acceptance of this Hon'ble House, I need not lay stress upon the importance of this aspect of the Constitution. We know that we have reached a stage when we have hammered out a Constitution for ourselves in the Constituent Assembly which was elected by the people. We also know that we are now working under the new Constitution having been elected under adult suffrage. It is a well-known fact that under the Directive Principles in the Constitution there is a provision to the effect that in every State, whether it is Part A, or Part B or Part C, the Executive should be separated from the Judiciary. It is article 50 of the Constitution under the Directive Principles of State Policy. It is a well-known doctrine in the development of any Government. And also we know from the Constitution of India, that a Supreme Court has been established vesting it with all judicial functions. And while providing for the establishment of a Supreme Court it has been contemplated under that particular provision that the Supreme Court will have the power to decide matters relating to the Centre and the federating units or between States and States. As the members of this House are aware, it is well-recognised in the American Constitution that the Judiciary should be independent of the Executive. I also want to bring home to the Members of this House that these three component parts of a Government *viz.*, the Executive, the Legislature and the Judiciary should function independently of each other. We know also full well why there should be this separation. For example, if the Executive is given the power to legislate as well as execute and also sit in judgment over its own legislation, we know to what extent that power would be exercised in conformity with the accepted principles of democracy. Instead of the principle of democracy being implemented there would be what we call dictatorship. That is the reason why all authors and all accepted scholars on Constitutionalism have said that the Judiciary should be completely independent of the Executive and they have